

REMARKS

Claims 1-4, 7, 9, 10, 12-19 and 22-32 are pending in the application.

Claims 1-4, 7, 9, 10, 12-19 and 22-32 are rejected.

Claim 3 is amended.

Reconsideration and allowance of claims 1-4, 7, 9, 10, 12-19 and 22-32 is respectfully requested in view of the following:

Responses to Rejections to Claims – 35 U.S.C. §103

Claims 1-4, 7, 9, 10, 12-19 and 22-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hultgren (WO 98/47116) (Hultgren hereinafter) in view of Musa (U.S. Patent No. 6,016,349) (Musa hereinafter). The Applicants submit that these rejections are not applicable to the claims.

As the PTO recognizes in MPEP §2142:

The Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the Examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.

The USPTO clearly cannot establish a *prima facie* case of obviousness in connection with the amended claims for the following reasons:

35 U.S.C. §103(a) provides that:

[a] patent may not be obtained...if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.... (emphasis added)

Thus, when evaluating a claim for determining obviousness, all limitations of the claim must be evaluation.

The Applicants have fully considered the references in their entirety and will summarize those findings below to begin a discussion of how all the limitations of the claims are not disclosed by those reference:

The disclosure of Hultgren describes the following steps for a tele/datacommunications payment method for a transaction that is verified by both parties:

1. The customer calls telepay TSN 30 on a mobile phone (page 12, lines 19-20).
2. Telepay TSN 30 obtains a customer ID from the customer call (page 12, lines 23-24).
3. Telepay TSN 30 prompts the customer for a merchant ID and a transaction amount through the mobile phone (page 13, lines 5-7).
4. Customer sends the merchant ID and the transaction amount to Telepay TSN 30 using the mobile phone (page 13, lines 14-15) The merchant ID used by the customer is prominently displayed at the merchant's premises or shown on the merchant's web page (page 9, lines 16-19) .
5. Telepay TSN 30 builds a transaction record with the merchant ID, the customer ID, and the transaction amount, and creates a unique transaction code for the transaction (page 13, lines 18-29).
6. Telepay TSN 30 determines the bank address and the account number of the customer using the customer ID (page 14, lines 1-12).
7. Telepay TSN 30 determines the bank address and the account number of the merchant using the merchant ID (page 15, lines 17-29; page 1-2).
8. Telepay TSN 30 requests verification of the transaction from the customer through the mobile phone (page 16, 18-20).
9. Customer verifies the transaction (page 16, lines 27-28).
10. Telepay TSN 30 requests verification of the transaction from the merchant (page 17, 6-7).
11. Merchant verifies the transaction (page 17, lines 15-17).
12. Telepay TSN 30 transfers funds from the customer bank to the merchant bank (page 18, lines 8-23)

Thus, Hultgren discloses a method that allows a customer to purchase products/services/etc. from a merchant by sending a merchant ID and a transaction amount to a third party using a mobile phone. The third party takes that information and determines the banks of the customer and merchant, acquires verification of the transaction from the customer and merchant, and transfers funds from the customer to the merchant to complete the transaction.

However, Hultgren does not teach a number of the required limitations of the claims of the present disclosure:

Independent claim 1 requires:

1. "reading an amount of money to be paid into the merchant station, transmitting, by the merchant station, the identification code of the merchant station and at least the amount of money to the comparing device through a data link". In the disclosure of Hultgren, the amount of money and the merchant ID are entered into the mobile phone and transmitted by the customer, not by the merchant station. Also, there is no discussion of reading an amount of money to be paid into the merchant station.

2. "after the step of reading the amount of money into the merchant station, making a connection from the mobile cell phone to the comparing device". In the disclosure of Hultgren, there is no discussion of reading an amount of money into the merchant station.

3. "comparing the merchant station identification code transmitted from the mobile cell phone with those of the open transactions stored in the transaction memory device" In the disclosure of Hultgren, the merchant ID received from the customer mobile phone is used to build a transaction record. The merchant ID received from the customer mobile phone would not be compared with open transactions because there can be no open transactions using that merchant ID, as the merchant ID is needed to build such a transaction in Hultgren. In the present disclosure it is possible because that merchant ID was already sent from the merchant station and used to create the open transaction. The merchant disclosed in Hultgren does not send its merchant ID to anyone.

Independent claim 3 requires:

1. "reading into the merchant station an amount of money to be paid and the identification code of a SIM card of a mobile cell phone, transmitting, by the merchant station, the identification code of the merchant station, the identification code of the mobile cell phone and at least the amount of money to the comparing device over a data link". In the disclosure of Hultgren, the amount of money and the merchant code are entered into the mobile phone and transmitted by the customer, not by the merchant station, and the customer ID is obtained from the customer call, not from the merchant. Also, there is no discussion of reading an amount of money to be paid into the merchant station.

2. "terminating the transaction if the confirmation information is not given within a predetermined time after transmitting the identification code of the merchant station, the identification code of the mobile cell phone and at least the amount of money from the merchant

station to the comparing device” In the disclosure of Hultgren, there is no discussion of terminating the transaction if confirmation is not given within a predetermined time. The Examiner argues that the “terminating the transaction if the confirmation information is not given within a predetermined time after transmitting the information from the merchant station to the comparing device” is disclosed on page 21, lines 18-20 and Figures 4-4B of Hultgren. The disclosures pointed out by the examiner are related to terminating the transaction if the customer mobile phone is not in a predetermine proximity from the merchant terminal and disclose nothing about terminating within a predetermined time after transmitting the information from the merchant station to the comparing device (as Hultgren does not disclose transmitting of ID's or transaction amounts from a merchant station to a comparing device.)

Independent claim 18 requires:

1. “a control device for transmitting to the account keeping device the account number corresponding to the identification code, on the basis of the information in the subscriber checking device, rather than the identification code of the mobile phone”. In the disclosure of Hultgren, the account number of the customer is determined using the customer ID obtained through the customer mobile phone (page 14, lines 7-13).

2. “the comparing device...comprising...control devices, which after the merchant station makes a connection to the comparing device and transmits transaction data from a merchant station to the comparing device...” In the disclosure of Hultgren, the merchant makes no connection to the Telepay TSN 30 and hence no transaction data is transmitted from the merchant station to the comparing device..

3. “the comparing device...comprising ...control devices, which...compares the identification code of the merchant station with the entries in the transaction data memory device and, on finding a transaction with the same merchant station identification code, transmits...” In the disclosure of Hultgren, there is no comparing of a merchant ID with entries in a transaction log to find a transaction with the same merchant ID, as only one merchant ID is sent to Telepay TSN 30, and that merchant ID is used to create the transaction record.

Independent claim 19 requires:

1. “the comparing device...comprising...control devices, which after the merchant station makes a connection to the comparing device and transmits transaction data from a merchant station to the comparing device...” In the disclosure of Hultgren, the merchant makes

no connection to the Telepay TSN 30 and hence no transaction data is transmitted from the merchant station to the comparing device.

2. "wherein the control device transmits to the account keeping device the account number corresponding to the identification code, on the basis of the information in the merchant memory device, rather than the identification code of the merchant station". In the disclosure of Hultgren, the account number of the merchant is determined using the merchant ID obtained through the customer mobile phone (page 15, lines 20-28).

Furthermore, the Examiner argues that the verification unit 204-3 disclosed by Hultgren is equivalent to the subscriber checking device of the present disclosure. The subscriber checking device is described in the present disclosure as a device "for storing subscriber identification codes and corresponding account numbers" (page 9, lines 12-13). The function of the verification unit 204-3 of Hultgren is described as follows "Verification unit 204-3 in turn generates a verification request message which is transmitted to merchant terminal 70..." The Applicants respectfully submit that submitting verification requests is not equivalent to storing subscriber identification codes and corresponding account numbers.

The Examiner also argues that the communication module, page 10, lines 29 to page 11 line 4, disclosed by Hultgren is equivalent to a control device for transmitting to the account keeping device the account number corresponding to the identification code, on the basis of the information in the subscriber checking device, rather than the identification code of the mobile cell phone of the present disclosure. In the disclosure of Hultgren, the account number of the customer is determined using the customer ID obtained through the customer mobile phone (page 14, lines 7-13). There is no disclosure on page 10, lines 29 to page 11 line 4 of Hultgren, or anywhere else in the publication, that the account keeping device is transmitted the account number corresponding to the identification code, on the basis of the information in the subscriber checking device, rather than the identification code of the mobile cell phone

The Examiner also argues that the verification unit 202-4 disclosed by Hultgren is equivalent to the merchant checking device in which is held the identification code of each merchant station and the account number associated therewith in the account keeping device of the present disclosure. The function of the verification unit 202-4 of Hultgren is described as follows "Verification unit 202-4 in turn generates a verification request message which is transmitted to customer mobile station 60..." The Applicants respectfully submit that submitting

verification requests is not equivalent to storing merchant station identification codes and corresponding account numbers.

The Examiner also argues that the customer communication module, page 10, lines 21-27, disclosed by Hultgren is equivalent to wherein the control device transmits to the account keeping device the account number corresponding to the identification code, on the basis of the information in the merchant memory device, rather than the identification code of the merchant station of the present disclosure. In the disclosure of Hultgren, the account number of the merchant is determined using the merchant ID obtained through the customer mobile phone (page 15, lines 20-28). There is no disclosure on page 10, lines 21-27 of Hultgren, or anywhere else in the publication, that account keeping device is transmitted the account number corresponding to the identification code, on the basis of the information in the merchant memory device, rather than the identification code of the merchant station.

Musa adds nothing to remedy the above-stated deficiencies of Hultgren.

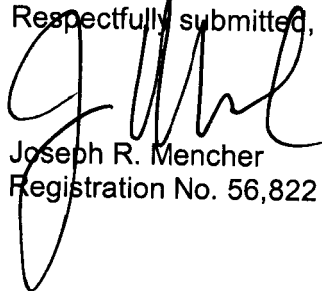
Therefore, it is impossible to render the subject matter of the claims as a whole obvious based on a single reference or any combination of the references, and the above explicit terms of the statute cannot be met. As a result, the USPTO's burden of factually supporting a *prima facie* case of obviousness clearly cannot be met with respect to the claims, and a rejection under 35 U.S.C. §103(a) is not applicable.

Therefore, independent claims 1, 3, 18, and 19 and their respective dependent claims are submitted to be allowable.

In view of all of the above, the allowance of claims 1-4, 7, 9, 10, 12-19 and 22-32 is respectfully requested.

The Applicants respectfully submit that they have fully considered the cited references in their entirety in submitting the responses above, and request that the Examiner review such responses carefully and call the undersigned at the below-listed telephone number if a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,


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